IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.13526 of 2003

Between:

T. Srinivasa Reddy
S/o. Satyanarayana Reddy
R/o. Anaparthy, E.G. Dist.

..... PETITIONER

AND

1 The Govt. of India rep by its Secretary
Finance & Planning Dept. New Delhi.
2 The Andhra Bank Ltd.
Zonal Office, Kakinada E.G. Dist.,

Rep. by its authorised officer under Act 54 of 2002

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, declaring the action of the respondent in issuing the notice dt. 26-5-2003 issued under section 13(2) of the Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 as arbitrary, illegal and without jurisdiction and direct the respondents to forbear from proceeding with the steps as suggested in said notice and grant such other relief as it deems fit and proper in the circumstances of the case

Counsel for the Petitioner :Sri T.V.S.PRABHAKARA RAO

Counsel for the Respondent No.1: Sri A.Rajasekhar Reddy

Counsel for the Respondent No.2: Sri A.Krishnam Raju

The Court made the following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot be granted.

The Writ petition, therefore, is dismissed.

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DEVINDER GUPTA, C.J.

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B.SESHASAYANA REDDY, J

29-03-2005

bsc

.... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Finance & Planning Dept. Govt. of India, New Delhi.
2 The Authorised Officer under Act 54 of 2002, Andhra Bank Ltd.
Zonal Office, Kakinada E.G. Dist.,

3 2 CD copies